

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

CITY OF SOUTH BEND, BY ITS)	
CORPORATION COUNSEL ALADEAN)	
M. DEROSE)	
)	
Petitioner,)	Cause No.: 3:12-CV-475
v.)	
)	
UNITED STATES OF AMERICA, ERIC)	
H. HOLDER, JR., IN HIS OFFICIAL)	
CAPACITY AS ATTORNEY GENERAL)	
OF THE UNITED STATES,)	
SOUTH BEND COMMON COUNCIL)	
TIM CORBETT, DAVE WELLS,)	
STEVE RICHMOND, BRIAN YOUNG)	
AND SANDY YOUNG)	
)	
Respondents)	

MOTION FOR CONSOLIDATION OF PENDING ACTIONS

Pursuant to Fed. R. Civ. P. 42(a) , Defendant City of South Bend (the City), by counsel, moves to consolidate this case with another case, i.e., that captioned as *Brian Young, et al., v. City of South Bend, et al.*, Civil Docket No. 3:12-CV-0532-JVB-CAN, now pending in this Court, and assigned to the Judge presiding in this case. A motion to consolidate this captioned case with Case 3:12-CV-532 was filed in that case on November 7, 2012. This motion is being filed for consistency and to clarify the record in both cases.

Consolidation is sought because both cases involve at least one common, overriding question of law and fact, namely, whether practices at the South Bend Police Department by

which phone communications by certain police officers were tape-recorded constitutes violation of federal wiretap laws.

Consolidation of cases is favored in the interest of judicial economy and efficiency, and should be granted in this case. The Memorandum of Law which was filed in Case No. 3:12-CV-532 is being filed concurrently with this motion.

WHEREFORE, the City of South Bend moves for consolidation of this case with the pending cause captioned as *Brian Young, et al. v. City of South Bend, et al.*, No. 3:12-cv-0532-JVB-CAN, and for all other proper relief.

s/ Aladean M. DeRose

Aladean M. DeRose, Atty. No. 4495-71

City Attorney Ad Interim

227 W. Jefferson, Ste. 1400

South Bend, IN 46601

574-235-9241

Attorney for Defendant City of South Bend

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF Filing System which sent notification of such filing to the following:

Wayne T. Ault – AUSA
US Attorneys Office
5400 Federal Plaza, Ste 1500
Hammond, IN 46320

Christopher M. Lerner
E. Sencer Walton, Jr.
Robert J. Palmer
MAY OBERFELL LORBER
4100 Edison Lakes Parkway, Ste 100
Mishawaka, IN 46545

Attorney for Eric H. Holder, Jr. &
United States of America

Attorneys for the South Bend Common Council

I further certify that a copy of the foregoing document was served by U.S. First Class Mail, postage prepaid on the below named attorneys of record in Case No. 3:12-CV-475 this 20th day of November, 2012:

Jeffrey S. McQuary
BROWN TOMPKINS LORY
608 Market Street
Indianapolis, Indiana 46202.

Daniel H. Pfeifer
Jeffrey J. Stesiak
PFEIFER MORGAN & STESIAK
53600 N. Ironwood Drive
South Bend, IN 46635

Thomas M. Dixon
DIXON WRIGHT & ASSOCIATES PC
55255 Birchwood Court
Osceola, IN 46561

Marielena Duerring
DURING LAW OFFICES
61191 U.S. 31 South
South Bend, IN 46614

s/ Aladean M. DeRose
Aladean M. DeRose